REMARKS

This Amendment is submitted in response to the Examiner's Action dated March 26, 2004 having a shortened statutory period set to expire May 26, 2004, extended to June 26, 2004.

Applicant acknowledges with appreciation the Examiner's indication of the allowability of the present application save for selected formal matters which are addressed by this Amendment.

The Examiner has objected to the drawings under 37 C.F.R. § 183(a) believing the drawings fails to show the determination if the oscilloscope is triggered on an undesired waveform followed by the storing of that undesired waveform. Applicant respectfully urges the Examiner to review blocks 156 and block 158 of Figure 3 which are described in the present specification at page 10, lines 1-6. As set forth in the specification, these blocks are described by noting "The process then passes to block **156** which illustrates a determination of whether or not the oscilloscope triggered on one of the undesired waveforms included within the input signal. If a determination is made that the oscilloscope did trigger on one of the undesired waveforms, the undesired waveforms is stored in memory **16** as depicted in block **158**." The Examiner is therefore urged to withdraw this objection as it is not believed to be well-founded.

Next, the Examiner notes that a review of the image file wrapper for the present application indicates that the requested preliminary amendment noting that the present application is a divisional application of its parent and the claim amendments were not formally entered before the paper files were converted to image wrapper. By the present amendment, Applicants submits the proposed amendment to the specification and the amendment to the claims; however, the newly submitted claims set forth within the preliminary amendment have been amended to address comments of the Examiner as set forth below.

The Examiner has objected to claims 27 and 29-52 under 37 C.F.R. § 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, with respect to claim 27, the Examiner notes that the claim refers to a "computer program product" with several instruction means set forth therein but notes there is ambiguity with respect to how the functionality of a computer program product is realized if the instructions are not being executed such as within a general purpose computer. Applicant

respectfully urges the Examiner to consider that such claims are submitted in accordance with the position of the director of the U.S. Patent and Trademark Office in *In re Beauregard* wherein the Director acknowledged that computer-readable media such as diskettes or storage media which contain instructions for caring out particular steps are statutory subject matter in accordance with the policy of the U.S. Patent and Trademark Office. Claim 27 recites a series of computer program product steps which are embodied within storage means which, when implemented within a general purpose computer, comprise the invention of the present application. The Examiner's objection to this claim is therefore believed to be not well-founded.

The Examiner's objection to claim 27, line 12 with respect to the antecedent basis of "said plurality of undesired waveforms" has been addressed by an amendment to that claim prior to its submission herewith. Similarly, claim 41, line 10 has also been amended prior to submission herewith to relieve the antecedent basis problem noted by the Examiner.

The dependency of claim 29 has been altered properly and the Examiner's objection to this claim is believed to be overcome.
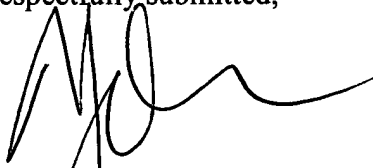
With respect to claim 31, lines 2 and 3 have been amended to recited "said first plurality of trigger parameters" and line 5 has been amended to delete "said" prior to "a current voltage" and the Examiner's objection to this claim is believed to be overcome.

Similarly, claim 33 at line 3 has been amended to insert "level" after "said stop voltage" and claim 41, in addition to the amendment noted above, has been further amended to delete the reference to the central processing unit and memory previously contained at lines 2 and 3. Claim 44 has been amended to recite "said first plurality of trigger parameters" at line 2 and the antecedent basis problems noted by the Examiner with respect to claim 45 have been addressed by altering the dependency of claim 45 from claim 42 to claim 44. The antecedent basis problems in claims 46 and 47 have also been addressed in the claims submitted herewith and, for the reasons set forth above, Applicant urges that the present application is now in condition for allowance and that no drawings corrections are required.

A request for a one-month extension of time and a check for the appropriate fee are enclosed herewith. No additional fees are believed to be necessary, however, in the event that

any additional fees are required, please charge those fees and any other required fees to **IBM Corporation Deposit Account Number 09-0447.**

Respectfully submitted,

Andrew J. Dillon
Reg. No. 29,634
DILLON & YUDELL LLP
8911 North Capital of Texas Highway
Suite 2110
Austin, Texas 78759
Telephone (512) 343-6116
Facsimile (512) 343-6446

ATTORNEY FOR APPLICANTS